

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

DAVID CANDIDATE,)	
)	
Plaintiff ,)	
)	
v.)	7:10-cv-01837-SLB-JEO
)	
DOCTOR PHILLIP BOBO, et al.,)	
)	
Defendants.)	

ORDER

This is a *pro se* complaint filed pursuant to 42 U.S.C. § 1983. After initial review of the same, the magistrate judge filed a report and recommendation on August 6, 2010, recommending that the plaintiff's claims against Commissioner of Mental Health John Houston and Associate Commissioner Susan Chambers be dismissed. (Doc. 2). It was further recommended that plaintiff's claim of deliberate indifference to his serious medical needs against Dr. Phillip Bobo be referred to the magistrate judge for further proceedings. (*Id.*)

On August 18, 2010, Dr. Bobo filed a motion to dismiss. (Doc. 4). As grounds for his motion, Dr. Bobo claims that the plaintiff has failed to state a claim upon which relief can be granted in that his complaint fails to comply with the Alabama Medical Liability Act, and that this court lacks jurisdiction to hear the complaint. (*Id.*) The plaintiff responded by filing a document which is almost identical to his original complaint. (Doc. 5).

As noted above, the plaintiff has filed this action pursuant to § 1983, alleging a violation of his constitutional rights during his incarceration at the Taylor Hardin Secure Medical Facility. The plaintiff is representing himself. While he may not have stated his claim as clearly as a lawyer would, he has stated sufficient facts for the court to require Dr. Bobo to respond to the

allegation that he was deliberately indifferent to the plaintiff's medical needs.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the responses filed by the parties, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. It is therefore **ORDERED, ADJUDGED, and DECREED** that all of plaintiff's claims in this action except the claim that Dr. Phillip Bobo was deliberately indifferent to his serious medical needs are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b). It is further **ORDERED** that the claim that Dr. Phillip Bobo was deliberately indifferent to his serious medical needs is **REFERRED** to the magistrate judge for further proceedings. Additionally, the defendant's motion to dismiss (doc. 4) is **DENIED**.

DATED, this 25th day of October, 2010.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. The first name "Sharon" is written in a larger, more prominent script than the last name "Blackburn".

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE